

**REMARKS**

The application was filed with claims 1-5 which are still pending.

The Office Action, through inadvertence and mistake, shows that claims 1-4, not 1-5 are currently pending in the application.

5           The election made above to elect to proceed with Claims 3-5 is based on the fact that claims 1-5 are pending in the application.

10           The Examiner requires restriction to the claims directed to groups 1 and 2. All of the claims in the application are directed toward a circuit interrupting device. Claims 1-2 are directed toward the structure of a circuit interrupting device; and claims 3-5 are directed toward the structure of the circuit interrupting device when in a specific state, that of a reset  
lockout state.

15           All of the claims in the application are directed toward a circuit interrupting device and, therefore, are related. As stated in 808.02 of the MPEP, "Where, as disclosed in the application, the several inventions claimed are related, and such related inventions are not patentably distinct as claimed, restriction under 35 U.S.C. 121 is never Proper (MPEP 806.05)".


In view of the interdependency of the claimed inventions, it is respectfully requested that the restriction requirement be withdrawn as to the claims and each of the claims presently pending in the application be examined.

20           The Commissioner is hereby authorized to charge any fees which may be required for the amendment, or credit any overpayment to Deposit Account No. 12-1185 of Leviton Manufacturing Co., Inc., Order No. 0267-001-2024.

25           As an extension of time is required to make this Amendment timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension

of time or credit any overpayment for an extension of time to Deposit Account No. 12-1185  
of Leviton Manufacturing Co., Inc., Order No. 0267-001-2024.

Respectfully submitted,

  
Paul J. Sutton  
Registration Number 24,201  
Attorney for Applicant  
Tele: (212) 801-2108  
Fax: (212) 688-2449

Date: August 24, 2004

GREENBERG TRAURIG, LLP  
885 Third Avenue -- 21<sup>st</sup> Floor  
New York, NY 10022